

19

Case 2:10-cv-10978-PJD-MJH

UNITED STATES DISTRICT COURT
IN THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

AMERICAN UNIVERSITY OF ANTIGUA,
COLLEGE OF MEDICINE, a foreign corporation,

Plaintiff,

V

CASE No.: 2:10-cv-10978-PJD-MJH
Judge Patrick J. Duggan
Judge Michael Hluchaniuk, referral

STEVEN WOODWARD,

Defendant,

**Motion for Request of Information by Court Order from the National Board of
Medical Examiners, NBME**

FILED

2011 APR - 1 A 10:24

U.S. DIST. COURT CLERK
EAST DIST. MICH
FLINT

**Motion for Request of Information by Court Order from the National Board of
Medical Examiners, NBME**

List of Exhibits:

Exhibit 1, List of student names and grades
Exhibit 2, About the NBME
Exhibit 3, NBME Licensing Examination Services
Exhibit 4, USMLE Performance Data
Exhibit 5, USMLE 2006 Performance Data
Exhibit 6, USMLE Step I Performance Data, 2005 and 2006
Exhibit 7, AUA Student Handbook

The Defendant requests the Court order the following information from the National Board of Medical Examiners, NBME.

Information the Defendant is seeking from the NBME:

- Verification of the Student USMLE Step I grades in Exhibit 1**
- Annual aggregate (from 2004- 2010) first time test taker USMLE STEP I pass/fail rates for the American University of Antigua College of Medicine students.**
- Annual aggregate (from 2004-2010) number of USMLE STEP I first time test taker students from the American University of Antigua College of Medicine.**

The requested information will prove the Defendant is innocent of the Plaintiff's Docket 1 claims. The NBME has the information regularly available and continuously reports on the very information the Defendant requests.

The Defendant is not seeking private student information, only verification of the disclosed, alleged and published, by the Plaintiff, pass rates and private student information.

Contact Information:

National Board of Medical Examiners
3750 Market Street
Philadelphia, PA 19104
Telephone: (215) 590-9700
Web Site: <http://www.nbme.org/contact/index.html>

Students from the American University of Antigua College of Medicine, including United States citizens, register and pay for a certificate to take the United States Medical Licensing Examinations, USMLE from the NBME.

“The NBME develops and manages the USMLE”, Exhibit 2, paragraph 2, line 1.

“The NBME and the Federation of State Medical Boards co – sponsor the USMLE, and the Educational Commission for Foreign Medical Graduates is the third collaborator in the USMLE program.” Exhibit 2, bottom of paragraph 2.

The NBME advertises that their very business is to produce information such as what is requested by the Defendant, Exhibit 2, last paragraph, line 1

“Medical specialty boards, other healthcare professions, and academic institutions call on the NBME to develop customized assessments, while online assessments help students and professionals identify their own strengths and weaknesses.

Organizations can draw on the NBME’s expertise as consultants for their own assessment programs, test administration, and scoring”

1. The NBME advertise they have USMLE score documents, performance data, passing score and performance data, test administration, score reporting, and continuously report on USMLE scores and examination records. The NBME performs statistical services for the USMLE. Providing the requested information is well within the scope of the NBME's daily activities and will not burden the NBME.

-The NBME advertises that they provide **"score documents"**, **Exhibit 3**, paragraph 2, line 3.

-The NBME publishes Performance Data, **Exhibit 4**.

-The NBME publishes **"USMLE Administration, Minimum Passing Scores, and Performance"**, **Exhibit 5**, paragraph 1, Line 1 and **"USMLE registration, test administration, and score reporting occur continuously throughout the year."**

-The NBME processes examination records, **Exhibit 5**, paragraph 3, Line 3 states **"Examination records are processed continuously, and scores are reported weekly."**

-The NBME provides pass fail data, **Exhibit 5**, paragraph 4, Line 1, **"A pass or fail result is provided, as a USMLE recommendation, for each examinee. Passing results are based on achievement of specified levels of proficiency established prior to administration of examinations. Statistical procedures are employed to ensure that for each Step, the level of proficiency required to pass remains uniform across forms of the examination."**

2. The NBME collects and publishes annual performance data, demonstrating the data the Defendant is requesting is in the possession of the NBME and will not burden them. One example of that the NBME has access to the requested data is evident in **Exhibit 6**, titled

“Step 1” which is copied from the NBME Web URL:

“http://www.usmle.org/Scores_Transcripts/performance/2006.html”

Exhibit 6 is an example of the data collected for the years 2005-2006, **Exhibit 6**, paragraph 1, line 4,

“First-time takers from non-US/Canadian medical schools numbered 13,488 and 14,585 for the same years.” These numbers are exact, not approximations or rounded

data. The NBME publishes tables, **Exhibit 6**, titled

“Table 1 – 2005-2006 STEP I Administrations, Number Tested and Percent Passing”

The NBME could not publish these statistics without having the data the Defendant is requesting, demonstrating they have and report the data the Defendant requests.

3. The American University of Antigua College of Medicine has admitted that they disclosed Private Student Information. The disclosure of private student information is a violation of the American University of Antigua College of Medicine Student Handbook, **Exhibit 7**, and United States Federal law 20 U.S.C. 1232, Family Education Rights and Privacy Act, FERPA.

The Plaintiff’s Student Handbook, **Exhibit 7** page 25, states:

“The University adheres to the mandates of the United States Family Educational Rights and Privacy Act(FERPA)”

The Plaintiff has broken contractual obligations regarding the privacy of student information, per their own Student Handbook. .

The NBME, refusing to produce the requested evidence is a direct violation of their Civil duty and demonstrates their bias toward their customers, students, including United States citizens.

The Defendant requests the Court demand the production of the requested evidence to prove the Defendant innocent of the Plaintiff's Docket 1 Claims.

Steven Woodward
7211 Brittwood Ln
Flint, MI 48507
(810)235-7267

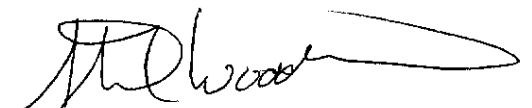
A handwritten signature in black ink, appearing to read 'S. Woodward', with a long horizontal flourish extending to the right.

Exhibit 1

Student Name	STEP 1
Preciado Jeffrey	39
Gonzalez, Claudia	40
Rakalla, Gurvinder	46
Dhillon, Rupeet	49
Harris III, Junior	50
Bohnert, Shannon	54
Decoteau, Carlond	55
Monroe, Mariam	55
Petrova, Veronika	55
Kannankeril, Joe	56
Stevenson, Clinton	57
Adamu, Hephzibah	58
Thomas, Debra	58
Devaney, Thomas	59
Linkowski, Micheal	59
Robinson, Gail	59
Romanik, Nikki	59
Sarathchandra, Janaka	59
Schroeder, Hilary	59
Ali, Husam	60
Abdullah, Sirhan	61
Kurien, Alvin	61
Nakhwal, Sukhminder	61
Crespo-Valez, Carmen	62
Zverinsky, Aleksandr	62
Eni, Eni	63
Ashley, Cherrise	64
Boakye, Kwaku	64
Kamash, Tamer	64
Lanphear, Eric	64
Martin, Nathan	64
Soresen, Hollie	64
August, Mihenka	65
Belpulsi, Danamarie	65
Cafiero, Ralph	65
Haddad, Mousa	65
Pate, Judy	65
Lima, Ateaya	66
Merkley, Kenneth	66
Nwagbo, Anthonia	66
Addhavarapu, Venkatesh	67
Hang, Tammy	67
Okoro, Philip	67

Okoronkwo, Earnest	67
Toussaint, Pierrette	67
Andhavarapu, Venkatesh	67
Aguilera, Francia	68
Corbin, Aaron	68
Knowles-James, Cerise	68
Kohli, Navreet	68
Pennisi, Dominic	68
Tadros, Adeeb	68
Gnanashekar, Ephraim	69
Huda, Sophia	69
Selvarajah, Priya	69
Shahzad, Humara	69
Thomas, Lisa	69
Tiwana, Raju	69
Vijayan, Pravin	69
Felix, Ashvin	70
Jain, Atul	70
Muhammad, Aqeel	70
Tammara, Anita	70
Chineme, Jessica	71
Fasihy, Shahram	71
Hadawy, Angel	71
Lafond, Fritzanella	71
Olorunnisola, Moses	71
Roever, Christopher	71
Yun, Roderick	71
Beranger, Alexandria	72
Martin, Ravonna	72
Shodunke, Temitope	72
Zimmerman, Sara	72
Davis, Barbara	73
Jackson, Larry	73
Kaur, Harjeet	73
Kalaria, Neha	74
Syed, Hassan	74
Ahmadi, Yunus	75
Dabas Vivek	75
Ferrol, Isaline	75
France, Kenneth	75
Franklin, Bina	75
Kodali, Smila	75
Loza, Alejandro	75
Bagenholm, Allyson	76
Bhaskarla, Niveditha	76
Crew Erica	76
Ioffe, Julia	76
Isacoff, Adam	76

Lambert, Nahesi	76
Miskin, Chandrabhaga	76
Rao, Panisri	76
Shahani, Monica	76
Tahir, Hina	76
Uppal, Amandeep	76
Chumak, Maxim	77
El-Sherif, Dana	77
Harden, Kimberly	77
Marin, Louis	77
Panchal, Roshni	77
Patel, Rupal	77
Patel, Samir	77
Bastien, Carl-Frederic	78
Beckwith, Micheal	78
Faustin, Guerry	78
Jones, Takaya	78
Lapikov, Vitaliy	78
Oyelowo, Doyin	78
Patel, Bhavika	78
Patel, Bhavika	78
Rojas, Luis	78
Soyoye, Tajudeen	78
St.Denis, Anthony	78
Freier, Richard	79
Kidd, Vicki	79
Oyedepo, Babadele	79
Soni Ambica	79
Thoman, Stacey	79
Ajayi, Olumide	80
August, Elizabeth	80
Kumar, Seema	80
Patel, Dipesh	80
Saleh, Tarek	80
Stair, Erin	80
Ajala, Khaalisha	81
Ansari, Osama	81
Barrett, Shean	81
Ghani, Helai	81
Akitan, Abosede	82
Oprea, Micheal	82
Esmaeili, Ehsan	83
Jiansakul, Thanavut	83
Lhungay, Cherie	83
Shoja, Pantea	83
Johnsen, Jay	84
Budhraj, Vikram	86
Ray, Asheesh	86

Betz, Milica	87
Falter, Keith II	87
Hasselfeld, Randi	87
Baker, Iyad	88
Woodard, Jameson	89
Pate, Amy	91
Polynice, Judette	93
Cheruku, Sreekanth	95
Reilly, Thomas	95
Gray, Sanjiv	98
Patel, Amit	98
Rao, Ryan	99
Torabi, Radmehr	99



Serving the public through
evaluation of healthcare
professionals worldwide

About the NBME

Founded in 1915, the National Board of Medical Examiners® (NBME®) is an independent, not-for-profit organization that serves the public through its high- quality assessments of healthcare professionals.

The United States Medical Licensing Examination® (USMLE®)

The NBME develops and manages the USMLE. While the individual licensing boards grant the license to practice medicine, all medical boards in the US accept a passing score on the USMLE as evidence that an applicant demonstrates the core competencies to practice medicine. As a result, healthcare consumers throughout the nation enjoy a high degree of confidence that their doctors have met a common standard. The NBME and the Federation of State Medical Boards co- sponsor the USMLE, and the Educational Commission for Foreign Medical Graduates is the third collaborator in the USMLE program.

Other Services

The NBME and the Federation also co-sponsor the Post-Licensure Assessment System, which medical licensing authorities can use to evaluate physicians who are already licensed. A new exam program, the International Foundations of Medicine, extends the concept of common standards to an international arena.

Medical specialty boards, other healthcare professions, and academic institutions call on the NBME to develop customized assessments, while online assessments help students and professionals identify their own strengths and weaknesses. Organizations can draw on the NBME's expertise as consultants for their own assessment programs, test administration, and scoring.

EXHIBIT 2



Serving the public through
evaluation of healthcare
professionals worldwide

Services for
Students & Residents

NBME Licensing Examination Services (NLES) Website

The NBME licensing examination services (NLES) website provides services for students and graduates of **US and Canadian medical schools** accredited by the Liaison Committee on Medical Education or the American Osteopathic Association.

- Apply for USMLE Step 1, Step 2 CK, Step 2 CS
- Request score documents, certificates and/or confirmation letters
- Print your Scheduling Permit for Step 1, Step 2 CK and/or Step 2 CS
- Check the status of your application, score report or document request history

Click here to enter the:

[NBME Licensing Examination Services Website](#)

EXHIBIT 3



USMLE Performance Data

The National Board of Medical Examiners published USMLE performance data in its newsletter, the NBME Examiner, from 1993 to 2000 and publishes USMLE performance data in its annual reports. Most of the data presented here are excerpted from those publications with modification or as they appeared originally.

[USMLE Home](#) | [© 1996-2011 FSMB and NBME®](#) | [Contact USMLE](#) | [Site Map](#)

EXHIBIT 4



2006 USMLE Performance Data

As published in the 2006 NBME Annual Report, Copyright 2007 by the National Board of Medical Examiners®

USMLE Administration, Minimum Passing Scores, and Performance

USMLE registration, test administration, and score reporting occur continuously throughout the year. For Step 1, Step 2 Clinical Knowledge (CK), and Step 3, which are the computer-based testing (CBT) components of the USMLE program, test scheduling and delivery are provided by Prometric, Inc.®, part of The Thomson Corporation. These CBT examinations are currently administered at more than 350 US/Canadian Prometric test centers and more than 125 international Prometric test centers. Additional test centers are located at eight medical schools in the United States. The Step 1 and Step 2 CK examinations are administered worldwide; the Step 3 examination is administered only in the United States.

Step 2 Clinical Skills (CS) is a standardized patient (SP) examination. Scheduling and test delivery for Step 2 CS are provided by the Clinical Skills Evaluation Collaboration (CSEC). There are five test centers.

For each of the Step examinations, once the registration process is completed, applicants make their own appointment to take the examination at a location and time most convenient to their schedule.

Examination records are processed continuously, and scores are reported weekly. Most Step 1 and Step 2 CK examinees receive their scores approximately three to four weeks after their test date and most Step 3 examinees, four to six weeks. For Step 2 CS, most examinees receive their results by approximately eight weeks after the test date but this length of time may vary for some individuals because of the scoring and quality assurance steps associated with this component of USMLE.

A pass or fail result is provided, as a USMLE recommendation, for each examinee. Passing results are based on achievement of specified levels of proficiency established prior to administration of examinations.

Statistical procedures are employed to ensure that for each Step, the level of proficiency required to pass remains uniform across forms of the examination. As noted in the USMLE Bulletin of Information and at the USMLE website, the score required to meet the recommended level of proficiency is reviewed periodically and may be adjusted without prior notice. Announcements about such activity are posted on the USMLE website.

In reviewing standards for USMLE examinations, the USMLE Step Committees employ information gathered from a number of sources including standard setting surveys. These surveys, which seek opinions on the appropriateness of current USMLE pass/fail standards for each of the Steps, are sent to random samples of examinees, directors of basic and clinical science courses and clinical clerkships, associate deans for academic and student affairs, directors and chief residents from residency programs, members of USMLE test material development committees, executive directors and presidents of all state medical boards, and members of the NBME Board and the FSMB Board of Directors.

In addition to surveys, USMLE Step Committees consider the results of content review by standard setting panels. These panels are typically made of physicians who are not otherwise involved in the USMLE program. These panels review the content of the Step examinations and, through a series of exercises, provide data that reflect their opinions on minimally acceptable levels of performance.

Step 1

Details on the performance of examinees taking Step 1 in 2005 and 2006 are provided in Table 1. Data for 2006 are based upon examinees whose results were reported through February 7, 2007. Approximately

[USMLE Home](#) | [© 1996-2011 FSMB and NBME®](#) | [Contact USMLE](#) | [Site Map](#)

Step 1

Details on the performance of examinees taking Step 1 in 2005 and 2006 are provided in Table 1. Data for 2006 are based upon examinees whose results were reported through February 7, 2007. Approximately 16,800 first-time takers from US and Canadian medical schools that grant the MD degree were tested in both 2005 and 2006. First-time takers from non-US/Canadian medical schools numbered 13,488 and 14,585 for the same years. The pass rates for first-time takers from MD-granting US and Canadian medical schools were 94% in 2005 and 95% in 2006. Because failing examinees generally retake Step 1, the ultimate passing rate across test administrations is expected to increase to approximately 99% for this same group.

Performance standards for Step 1 were reviewed in 2006. Data for consideration in the review included the results of an August 2006 survey regarding the appropriateness of current USMLE pass/fail standards for each of the Steps, described above.

In addition to the survey, standard setting exercises were conducted using three panels of physicians and basic scientists. The 29 panelists were selected to represent a range of medical schools and medical specialties. Panelists had a broad range of roles such as course and clerkship directors, program directors, department chairs, and practitioners; a range of gender and ethnic groups was also included. Each panel met for 1½ days, engaging in a modified version of the Angoff standard-setting procedure. Each panelist saw a subset of the items appearing on the Step 1 exam. As a result of that review, a recommended minimum passing performance level was identified, representing the opinion of the panelists on the required mastery of examination content for medical licensure purposes.

At its December 2006 meeting, the Step 1 Committee considered the results of the surveys and the standard setting exercises, as well as data on recent trends in examinee performance and on the relationship of score precision to the pass/fail decision. As a result of this review, the Step 1 Committee decided to raise the three-digit score required to pass Step 1 from 182 to 185. The new minimum passing score was applied to Step 1 examinations for which the first day of testing was on or after January 1, 2007.

TABLE 1 - 2005-2006 STEP 1 ADMINISTRATIONS
Number Tested and Percent Passing

	2005		2006*	
	#Tested	%Passing	#Tested	%Passing
Examinees from US/Canadian Schools that Grant				
1st Takers	16,799	94%	16,818	95%
Repeaters**	1,491	65%	1,349	67%
1st Takers	1,265	73%	1,258	77%
Repeaters**	66	53%	67	52%

Examinees from Non-US/Canadian Schools

1st Takers	13,488	68%	14,585	71%
Repeaters**	5,911	39%	6,017	39%

--	--	--	--	--

* Represents data for examinees tested in 2005 and reported through February 7, 2007.

** 'Repeaters' represents examinations given, not number of different examinees.

AMERICAN UNIVERSITY of ANTIGUA

COLLEGE of MEDICINE

STUDENT HANDBOOK



The Student Handbook is published by the American University of Antigua College of Medicine for the students in the College of Medicine.

The rules and regulations outlined here are binding and must be adhered to by all AUA/KMC students, including those on leave. The rules and regulations of this institution are reviewed and revised periodically. Students are expected to be familiar with the most recent revisions of all AUA/KMC manuals and publications.

POLICY of NON-DISCRIMINATION

The University does not discriminate nor does it condone harassment based upon race, creed, ethnicity, religion, gender, national origin, age, disability, sexual orientation or any other characteristic protected by law.

This applies to all students and employees (faculty and staff) on the AUA/KMC premises as well as during AUA/KMC sponsored events.

Sexual harassment, defined as non-gender specific, is subject to disciplinary action, and includes the following:

- i. Harassment of women by men, men by women, or persons of the same gender;
- ii. Unwelcome sexual advances;
- iii. Requests for sexual favors and sexual displays of any kind;
- iv. Inappropriate sexual behavior or verbal abuse that is sexually based and offensive in nature.

PRIVACY RIGHTS

The University adheres to the mandates of the United States Family Educational Rights and Privacy Act (FERPA):

1. The student has the right to inspect and review his educational record within 45 days of the University's receiving a written request for access. Students must submit this written request to the Dean of Student Services identifying the records they wish to inspect. The Dean of Student Services will notify the student of the time and place where the record may be inspected.
2. Students have the right to request the amendment of their educational records. Students may write to the Dean of Student Services to identify the part of the record they wish to have corrected and specify why it is inaccurate.
3. If the University decides not to make the requested amendment it notifies the student and advises the student of her right to a hearing. The University provides additional information about the hearing with the notification.
4. The student has the right to consent to disclosures of personally identifiable information contained in his educational record, except to the extent that FERPA authorizes disclosure without consent.

One exception is disclosure to school officials with legitimate educational interest. A school official is a person employed by the University in an administrative, supervisory, academic, research or support position (including law enforcement personnel and health staff); a person or company with whom the University has contracted (such as an attorney, auditor, or collection